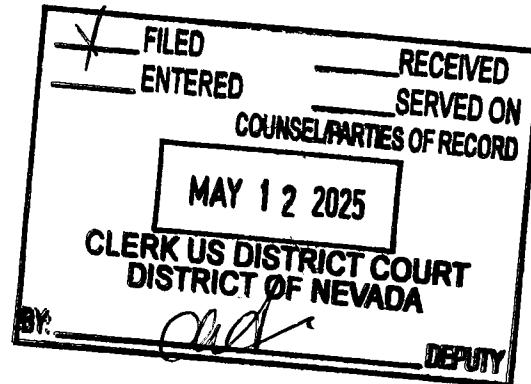


Sahar Lewis and Pluyd Coleman, Trustees of the Coleman Family Revocable Living Trust, Plaintiffs,

v.

PNC Bank, N.A., Matrix Trust Company, Clear Recon Corp., Stefanie Armijo, and DOES 1-10 inclusive, Defendants.



UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Case No.: 2:25-cv-00716-ART-DJA

NOTICE OF EMERGENCY MOTION AND MOTION TO VOID TRUSTEE SALE, IMPOSE SANCTIONS, AND REQUEST FOR EXPEDITED HEARING

TO THE HONORABLE ANNE R TRUAM AND TO ALL PARTIES:

PLEASE TAKE NOTICE that Plaintiffs, Sahar Lewis and Pluyd Coleman, Trustees of the Coleman Family Revocable Living Trust, hereby bring this Emergency Motion before the Court seeking the following relief:

1. An Order voiding the Trustee's Sale conducted on May 9, 2025 relating to the real property located at 3139 Belvedere Dr., Henderson, NV 89014;
2. An Order imposing sanctions and/or civil contempt on Defendants' counsel for conducting or enabling a nonjudicial sale while a Temporary Restraining Order (TRO) motion was pending in state court;
3. A finding that the acts of Defendants constitute trespass upon trust property, fraud, and unlawful interference with equity rights under color of law;
4. An expedited hearing date within 3 days pursuant to Local Rule 7-4 and FRCP 65(b)(3);
5. Monetary damages for loss of trust corpus, displacement, and emotional and fiduciary harm in an amount to be proven, not less than \$5,000,000.00.

FACTUAL GROUNDS FOR EMERGENCY RELIEF

- Plaintiffs initiated a state court action and timely filed for a TRO to halt the foreclosure sale scheduled for May 9, 2025.
- On or about May 7, 2025, Defendants removed the case to federal court without notice to the Plaintiffs and before the TRO hearing.

- Defendants failed to inform the state court of the removal or stay proceedings to allow judicial review.
- Defendants proceeded with the foreclosure sale on May 9, 2025, without informing the federal court or seeking leave, thus mooting the pending TRO.
- Plaintiffs are self-represented trustees of a private family trust, and were not afforded meaningful time or access to remedy the jurisdictional shift before irreparable harm occurred.

LEGAL GROUNDS FOR RELIEF

- Courts have inherent equitable power to **void sales** conducted in bad faith or under false pretenses (see *Miller v. Lewis*, 80 Nev. 402).
- Removal must not be used as a **procedural tool to defeat equity or silence due process** (see *City of Cookeville v. Upper Cumberland Elec. Membership Corp.*, 484 F.3d 380).
- Violating a pending TRO process constitutes grounds for **civil contempt** (see *Taggart v. Lorenzen*, 139 S. Ct. 1795).
- Trustees have a fiduciary obligation to preserve trust property, and unauthorized sales are considered a **trespass** under *Restatement (Third) of Trusts* §87.

REQUEST FOR ORDER

Plaintiffs respectfully request the Court grant this motion in full and set an emergency hearing within 3 days.

Respectfully submitted,

Dated: May 12, 2025

/s/ Sahar Lewis

Sahar Lewis, Trustee

Coleman Family Revocable Living Trust

/s/ Pluyd Coleman *By PCL vcc 4-308 w/o prejudice*

Pluyd Coleman, Trustee

Coleman Family Revocable Living Trust

[PROPOSED ORDER]

Having reviewed Plaintiffs' Emergency Motion to Void Trustee Sale, Impose Sanctions, and for Expedited Hearing, and good cause appearing:

IT IS HEREBY ORDERED that:

1. The nonjudicial sale of 3139 Belvedere Dr., Henderson, NV, conducted on May 9, 2025, is hereby **VOID** pending further hearing;
2. Defendants are to appear and show cause why **civil contempt and monetary sanctions** should not be imposed for conducting a sale while a TRO was pending;
3. An emergency hearing is set for the _____ day of May, 2025 at _____ a.m./p.m. in Courtroom ____;
4. Plaintiffs may supplement their motion with additional evidence prior to the hearing.

IT IS SO ORDERED.

Dated: _____, 2025

Anne R. Trappin
Hon. ~~James C. Mahan~~, U.S. District Judge

COLEMAN FAMILY REVOCABLE LIVING TRUST,

Plaintiff,

v.

PNC BANK, N.A., et al.,

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

)

Case No. 2:25-cv-00791-ART-DJA

MOTION FOR JUDICIAL NOTICE OF FRAUD UPON THE COURT AND REQUEST FOR SANCTIONS

)

TO THE HONORABLE COURT:

NOW COMES the Plaintiff, **Coleman Family Revocable Living Trust**, appearing Pro Se, and respectfully moves this Court to take **judicial notice of fraud upon the court** committed by the attorney for the defendants, and to issue **appropriate sanctions** to prevent further abuse of the judicial process. This motion is based on the following:

I. BACKGROUND

1. Plaintiff filed this civil action on April 9, 2025, seeking injunctive and declaratory relief concerning an **unlawful foreclosure** and asserting multiple causes of action including violations of federal and state law.
2. On May 9, 2025, Plaintiff filed an **Emergency Motion to Void Trustee Sale and Restore Possession** due to the ongoing state action in violation of federal jurisdiction and *lis pendens*.
3. Despite clear notice of the pending litigation and the *lis pendens* recorded and referenced in Plaintiff's filings, **Defendants and their counsel have proceeded to effectuate foreclosure and dispossession**, thereby **undermining the authority of this Court**.
4. Defense counsel has acted in knowing violation of judicial norms by engaging in extrajudicial tactics **designed to render the Court's authority moot**, including continuing with eviction or sale actions **while the emergency motion was pending**.
5. Plaintiff attaches as **Exhibit A** an email dated May 8, 2025, which confirms notice of the pending emergency motion was provided to all counsel, including **David T. Blake, Wolfe & Wyman LLP**, at their registered service address.

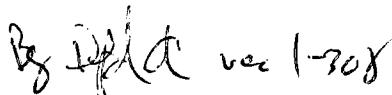
II. LEGAL BASIS

6. Under **Federal Rule of Civil Procedure 11(b)**, all parties and attorneys have a duty to refrain from presenting false statements, frivolous arguments, or actions that cause unnecessary delay or needlessly increase litigation costs.
7. Further, under **28 U.S. Code § 1927**, an attorney who unreasonably and vexatiously multiplies proceedings may be required to satisfy excess costs, expenses, and attorney's fees incurred because of such conduct.
8. Most significantly, the Court possesses **inherent authority** to prevent abuse of its process and to punish fraud upon the court. See *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991).
9. The deliberate continuation of a nonjudicial foreclosure and/or dispossession **after receipt of a federal emergency motion** is a direct affront to this Court's jurisdiction and constitutes **fraud upon the court**.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

- **Take judicial notice** of the misconduct and intentional circumvention of federal proceedings.
- Issue an order requiring **Defendants and their counsel to show cause** why they should not be sanctioned.
- Impose **appropriate sanctions** under Rule 11, § 1927, or the Court's inherent authority.
- Enjoin Defendants from any further action concerning the subject property until final adjudication of this matter.
- Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: May 12, 2025
/s/ **Coleman Family Revocable Living Trust**
Plaintiff, Pro Se
thecolemanfamilytrust@gmail.com

MJ BLK

NOTICE OF PENDING FEDERAL ACTION, EMERGENCY TRO, AND BAR TO SALE

3 messages

Coleman Family Trust <thecolemanfamilytrust@gmail.com>
To: fcsales@clearreconcorp.com, dtblake@ww.law

Thu, May 8, 2025 at 13:16

Coleman Family Revocable Living Trust
Trustees: Sahar Lewis & Pluyd Coleman
3139 Belvedere Dr
Henderson, Nevada 89014
Email: thecolemanfamilytrust@gmail.com | Phone: 702-272-9990

Date: May 8, 2025

TO:

Clear Recon Corp (Foreclosure Trustee)
Fax: _____ **Email:** fcsales@clearreconcorp.com
Address: 4375 Jutland Dr, San Diego, CA 92117

PNC Bank, N.A.

Fax: _____ | **Email:** dtblake@ww.law

Registered Agent: Corporation Service Company, Carson City, NV

NOTICE OF PENDING FEDERAL ACTION, EMERGENCY TRO, AND BAR TO SALE

This Notice is provided by the **Coleman Family Revocable Living Trust**, by its Trustees, Sahar Lewis and Pluyd Coleman, concerning the real property located at:

3139 Belvedere Dr, Henderson, Nevada 89014

(Clark County APN: 178-06-711-024)

PLEASE TAKE NOTICE that:

1. A **Verified Civil Complaint** with related emergency motions, including a **Motion for Temporary Restraining Order (TRO)**, has been filed in **United States District Court for the District of Nevada**, now pending under Case No: **2:25-CV-00791-JCM-DJA**, which challenges the validity of the alleged debt, the foreclosure proceedings, and seeks injunctive relief.
2. **Jurisdiction has been removed from state court to federal court.** As such, all foreclosure activity is now subject to federal court jurisdiction and review.
3. The Plaintiff has requested **emergency judicial intervention**, and the foreclosure sale presently scheduled for **May 9, 2025**, 9am must be halted pending resolution of the emergency motion.
4. Any action taken by the foreclosing party after receiving this notice – including proceeding with the sale – will be deemed a **willful violation of federal jurisdiction and injunctive relief proceedings**, creating immediate liability for contempt, damages, and injunctive sanctions.

You are hereby instructed to cease and desist all foreclosure activity until the federal court has ruled on the pending TRO motion.

SLA

A copy of the TRO motion is attached. You may contact the Trustees below with any questions.

Respectfully,

Sahar Lewis

Trustee, Coleman Family Revocable Living Trust

Pluyd Coleman

Trustee, Coleman Family Revocable Living Trust

Attachments:

- Copy of Emergency TRO Motion (Filed)
- Federal Case Cover Page

The Coleman Family Living Revocable Trust

All rights and remedies are hereby expressly reserved under UCC 1-308 and applicable equity jurisdiction.

This e-mail may contain trade secrets or privileged, undisclosed, or otherwise confidential information. If you have received this e-mail in error, you are hereby notified that any review, copying, or distribution of it is strictly prohibited. Please inform us immediately and destroy the original transmittal. Thank you for your cooperation

David T. Blake <dtblake@ww.law>

To: Coleman Family Trust <thecolemanfamilytrust@gmail.com>

Cc: fcsales@clearreconcorp.com <fcsales@clearreconcorp.com>

Thu, May 8, 2025 at 13:47

Please be advised that the email below and its attachments do not reflect a court restraining order or injunction regarding a foreclosure sale. To date, no court of which I am aware has entered any restraining order or injunction in connection with the property described below. Plaintiffs have not served any defendant with a signed court restraining order or injunction. PNC Bank disputes that any TRO or bar to sale has issued.

To the plaintiffs: if the any court has signed or entered a restraining order or injunction. Please provide a copy as soon as possible.

Dave

David T. Blake, Esq.

Wolfe & Wyman, LLP

5000 Wisconsin Avenue, Suite 1100 • Washington, DC 20019

Tel. (702) 476-0100 • Fax (702) 476-0101

Email: dtblake@ww.law

This email may contain information protected by the attorney client privilege. If you are not the intended recipient please contact me and delete the email.

From: Coleman Family Trust <thecolemanfamilytrust@gmail.com>
Sent: Thursday, May 8, 2025 1:17 PM

XX

To: fcsales@clearreconcorp.com; David T. Blake <dtblake@ww.law>

Subject: NOTICE OF PENDING FEDERAL ACTION, EMERGENCY TRO, AND BAR TO SALE

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]
[Quoted text hidden]

Coleman Family Trust <thecolemanfamilytrust@gmail.com>
To: David T. Blake <dtblake@ww.law>

Thu, May 8, 2025 at 14:31

Dear Dave,

Thank you for your response.

Please be advised that a **Verified Complaint, Emergency Motion for Temporary Restraining Order (TRO), Motion for Preliminary Injunction, and Notice of Lis Pendens** were timely filed in the United States District Court for the District of Nevada under Case No.A-25-916476-C now fed case 2:25-cv-00791-JDM-DJA, currently assigned to Judge James C. Mahan.

Your clients, including PNC Bank and Clear Recon Corp, were provided actual and constructive notice of the pending federal action, including the TRO motion and lis pendens. Under well-established federal and state law, when a property becomes the subject of a federal equity action and lis pendens is recorded, **Jurisdiction attaches** and parties are **barred from taking unilateral action** that would interfere with the court's ability to resolve the matter.

Although the court has not yet ruled on the TRO motion due to procedural timing, proceeding with a trustee sale under these conditions may constitute:

- **Interference with a federal case** and violation of the Supremacy Clause;
- **Tortious interference with trust property**;
- **Wrongful foreclosure under color of authority**, given disputed title and perfected trust and UCC-1 protections;
- **Exposure to civil and potentially criminal liability**, including willful violations of 15 U.S.C. §1692 and NRS 107.080.

We respectfully request that **your clients delay or cancel the sale** until the federal court can adjudicate the pending emergency motion. Failing to do so could result in significant liability, including amended claims against all involved parties **personally and corporately**.

Should you require a courtesy copy of the filed TRO motion or lis pendens, we are happy to provide it upon request.

In good faith and equity,

Pluyd Coleman
Trustee, Coleman Family Revocable Living Trust

The Coleman Family Living Revocable Trust

All rights and remedies are hereby expressly reserved under UCC 1-308 and applicable equity jurisdiction. This e-mail may contain trade secrets or privileged, undisclosed, or otherwise confidential information. If you have received this e-mail in error, you are hereby notified that any review, copying, or distribution of it is strictly prohibited. Please inform us immediately and destroy the original transmittal. Thank you for your cooperation

[Quoted text hidden]

**COLEMAN FAMILY REVOCABLE LIVING TRUST,
Plaintiff,
v.
PNC BANK, N.A., et al.,
Defendants.**

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Case No. 2:25-cv-00791-ART-DJA

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR JUDICIAL NOTICE OF FRAUD UPON THE COURT AND REQUEST FOR SANCTIONS

This matter is before the Court on Plaintiff's Motion for Judicial Notice of Fraud Upon the Court and Request for Sanctions (ECF No. ____). The Court, having reviewed the motion, supporting exhibits, and applicable law, and finding good cause appearing, hereby ORDERS as follows:

1. The Court takes judicial notice that Defendants and their counsel were served with notice of the pending federal action and Plaintiff's emergency motion via CM/ECF on or before May 9, 2025.
2. The Court finds prima facie evidence that Defendants knowingly proceeded with a foreclosure sale and/or subsequent dispossession in a manner that may have interfered with this Court's jurisdiction and the recorded lis pendens.
3. Defendants and their counsel, including Attorney David T. Blake of Wolfe & Wyman LLP, are hereby **ORDERED TO SHOW CAUSE**, within seven (7) days of the entry of this Order, why monetary or disciplinary sanctions should not be imposed under:

Federal Rule of Civil Procedure 11(b);

28 U.S.C. § 1927; and/or

the Court's inherent authority as articulated in Chambers v. NASCO, Inc., 501 U.S. 32 (1991).

4. All parties are hereby **ENJOINED** from taking any further adverse actions concerning the real property located at 3139 Belvedere Dr., Henderson, NV 89014, including but not limited to eviction, conveyance, recording, or transfer of title or possession, pending further order of this Court.

5. Plaintiff is granted leave to file a statement of costs, losses, and equitable demands to assist in facilitating expedited settlement discussions or additional equitable relief.

6. The Court retains jurisdiction to enforce this Order and issue any further relief deemed just and appropriate under the circumstances.

IT IS SO ORDERED.

Dated: _____

**HON. ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE**

COLEMAN FAMILY REVOCABLE LIVING TRUST.

Plaintiff,

v.

PNC BANK, N.A., et al.,

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Case No. 2:25-cv-00791-ART-DJA

NOTICE OF EMERGENCY II

PLEASE TAKE NOTICE that Plaintiff, **Coleman Family Revocable Living Trust**, hereby respectfully requests that the Court set an **expedited hearing** on its:

- **Emergency Motion to Enjoin Transfer of Title or Possession** (ECF No. 12), and
- **Forthcoming Motion to Void Trustee Sale, Impose Sanctions, and Judicial Notice of Fraud Upon the Court.**

This request is made pursuant to Local Rule 7-4 and Rule 65 of the Federal Rules of Civil Procedure. Plaintiff respectfully asserts that **irreparable harm is imminent** due to a contested and allegedly unlawful non-judicial foreclosure sale and possible eviction or title transfer.

Emergency relief is essential to **preserve the status quo** and protect this Court's jurisdiction while federal claims, including allegations of fraud upon the court, wrongful foreclosure, and constitutional violations, are pending.

Plaintiff requests that the hearing be scheduled at the **earliest possible date**, and that the Court consider immediate interim relief, including issuance of a **temporary restraining order or stay**, until the hearing is held.

DATED: May 12, 2025

Respectfully submitted,



ucl 1-308 1rr

COLEMAN FAMILY REVOCABLE LIVING TRUST

By: Sahar Lewis and Pluyd Coleman, Trustees

Pro Se

Email: thecolemanfamilytrust@gmail.com

COLEMAN FAMILY REVOCABLE LIVING TRUST,
by its Trustees, SAHAR LEWIS and PLUYD COLEMAN,
Plaintiff(s),
v.
PNC BANK, N.A., MATRIX TRUST COMPANY, CLEAR RECON CORP, et al.,
Defendant(s).

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ART
Case No. 2:25-cv-00791-JEM-DJA

NOTICE OF SPECIAL APPEARANCE

BY TRUSTEES UNDER RESERVATION OF RIGHTS

COMES NOW the Trustees of the **Coleman Family Revocable Living Trust, Sahar Lewis and Pluyd Coleman**, appearing specially, not generally, and **without waiving any rights, defenses, or objections**, including but not limited to subject matter and personal jurisdiction.

This appearance is made solely for the purpose of pursuing equitable relief and remedy on behalf of the Plaintiff Trust and to preserve all rights under UCC 1-308, the **federal equity jurisdiction of this Court, and the law of the trust and secured party rights**.

This Notice of Special Appearance shall not be construed as a general appearance, nor as a waiver of any claims of impropriety, misconduct, or violation of due process by any opposing party, counsel, or court actor in this matter.

Respectfully submitted,

/s/ Pluyd Coleman *Pluyd Coleman - no prejudice*
Pluyd Coleman, Trustee
Coleman Family Revocable Living Trust

/s/ Sahar Lewis
Sahar Lewis, Trustee
Coleman Family Revocable Living Trust

Dated: